

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 808

Introduced by Assembly Member Fong

February 21, 2013

An act to amend Section ~~2004~~ 4938 of the Business and Professions Code, relating to ~~medicine~~ acupuncture.

LEGISLATIVE COUNSEL'S DIGEST

AB 808, as amended, Fong. ~~Medical Board of California: responsibility.~~ *Acupuncture: license requirements.*

Existing law, the Acupuncture Licensure Act, provides for an Acupuncture Board within the Department of Consumer Affairs to license and regulate the practice of acupuncture. Existing law requires the board to issue a license to practice acupuncture to a person who files an application, pays a fee, and meets specified criteria, including taking a written examination and completing a clinical internship program.

This bill would require an applicant for a license to practice acupuncture to also pass a practical examination administered by the board.

~~The Medical Practice Act provides for the licensure and regulation of physicians and surgeons by the Medical Board of California, and specifies the board's responsibilities in this regard.~~

~~This bill would make a technical, nonsubstantive change to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 4938 of the Business and Professions*
2 *Code is amended to read:*

3 4938. The board shall issue a license to practice acupuncture
4 to any person who makes an application and meets the following
5 requirements:

6 (a) Is at least 18 years of age.

7 (b) Furnishes satisfactory evidence of completion of one of the
8 following:

9 (1) An educational and training program approved by the board
10 pursuant to Section 4939.

11 (2) Satisfactory completion of a tutorial program in the practice
12 of an acupuncturist which is approved by the board.

13 (3) In the case of an applicant who has completed education
14 and training outside the United States and Canada, documented
15 educational training and clinical experience which meets the
16 standards established pursuant to Sections 4939 and 4941.

17 (c) Passes a written examination *and a practical examination*
18 administered by the board that tests the applicant's ability,
19 competency, and knowledge in the practice of an acupuncturist.
20 The written ~~examination~~ *and practical examinations* shall be
21 developed by the Office of Professional Examination Services of
22 the Department of Consumer Affairs.

23 (d) Is not subject to denial pursuant to Division 1.5 (commencing
24 with Section 475).

25 (e) Completes a clinical internship training program approved
26 by the board. The clinical internship training program shall not
27 exceed nine months in duration and shall be located in a clinic in
28 this state, which is approved by the board pursuant to Section 4939.
29 The length of the clinical internship shall depend upon the grades
30 received in the examination and the clinical training already
31 satisfactorily completed by the individual prior to taking the
32 examination. On and after January 1, 1987, individuals with 800
33 or more hours of documented clinical training shall be deemed to
34 have met this requirement. The purpose of the clinical internship
35 training program shall be to ensure a minimum level of clinical
36 competence.

1 Each applicant who qualifies for a license shall pay, as a
2 condition precedent to its issuance and in addition to other fees
3 required, the initial licensure fee.

4 ~~SECTION 1. Section 2004 of the Business and Professions~~
5 ~~Code is amended to read:~~

6 ~~2004. The board shall have the responsibility for all of the~~
7 ~~following:~~

8 ~~(a) The enforcement of the disciplinary and criminal provisions~~
9 ~~of the Medical Practice Act.~~

10 ~~(b) The administration and hearing of disciplinary actions.~~

11 ~~(c) Carrying out disciplinary actions appropriate to findings~~
12 ~~made by a panel or an administrative law judge.~~

13 ~~(d) Suspending, revoking, or otherwise limiting certificates after~~
14 ~~the conclusion of disciplinary actions.~~

15 ~~(e) Reviewing the quality of medical practice carried out by~~
16 ~~physician and surgeon certificate holders under the jurisdiction of~~
17 ~~the board.~~

18 ~~(f) Approving undergraduate and graduate medical education~~
19 ~~programs.~~

20 ~~(g) Approving clinical clerkship and special programs and~~
21 ~~hospitals for the programs in subdivision (f).~~

22 ~~(h) Issuing licenses and certificates under the board's~~
23 ~~jurisdiction.~~

24 ~~(i) Administering the board's continuing medical education~~
25 ~~program.~~